

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 10, 2000

DIVISION TWO

B129719 People (Not for Publication)
v.
Dwain Edward King

The judgment is modified to reflect a \$200 restitution fine pursuant to Penal Code 1202.4, subdivision (b), and a \$200 fine pursuant to Penal Code section 1202.45, the latter fine to be suspended unless appellant's parole is revoked. In all other respects, the judgment is affirmed.

The superior court is directed to prepare an amended abstract of judgment reflecting this modification and to send a certified copy of the amended abstract of judgment to the Department of Corrections.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

B131423 People (Not for Publication)
v.
Richard Eddie Acero

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

February 10, 2000-Continued

DIVISION TWO (Continued)

B128352 Roy Winnick et al. (Not for Publication)
 v.
 David Levine

The judgment is affirmed. Costs to respondent.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Cooper, J.

B132481 People (Not for Publication)
 v.
 Melissa Z.

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

B126983 People
 v.
 Bennie Stephens

Filed order modifying dissenting opinion. (No change in the judgment)

DIVISION THREE

B122687 People (Certified for Partial Publication)
 v.
 Gutierrez

The judgment of conviction is reversed.

Schneider, J. (Assigned)

We concur: Kitching, Acting P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B119100 Joe Deocampo et al. (Not for Publication)
 v.
 Richard Ahn et al.

The judgment is reversed and the matter is remanded with directions to the trial court to enter an order adjudicating the issue of liability in favor of the plaintiffs and to then conduct a new trial limited to the issue of damages and any issues raised under Civil Code section 1431.2. Plaintiffs shall recover their costs on appeal.

Croskey, Acting P.J.

We concur: Aldrich, J.
 Schneider, J. (Assigned)

B128760 La Tanya Brown (Certified for Publication)
 v.
 Maurice Williams et al.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, Acting P.J.

We concur: Aldrich, J.
 Schneider, J. (Assigned)

B128309 Alex V. Baldwin (Not for Publication)
 v.
 International House of Pancakes, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, Acting P.J.

We concur: Kitching, J.
 Schneider, J. (Assigned)

DIVISION THREE (Continued)

B128216 Amram Yahalom (Not for Publication)

v.

Norman S. Panish et al.

The order of dismissal is reversed as to defendants Sender Shub and Yofi, Inc. The trial court is directed to vacate its order granting the defendants' motion to quash, and to then conduct further proceedings with respect to defendants' said motions which are not inconsistent with the views expressed herein. Norman and Merle Panish, individually and as Trustees of the Panish Family Trust, are awarded their costs on appeal.

Croskey, J.

We concur: Klein, P.J.

Aldrich, J.

B120003 Oscar L. Jornacion et al. (Not for Publication)

v.

Asian Journal Publications, Inc., etc., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, Acting P.J.

We concur: Kitching, J.

Aldrich, J.

B122653 Rebecca Ross (Not for Publication)

v.

Shawn Cox et al.

The judgment entered on March 17, 1998 is affirmed. The defendants shall recover their costs on appeal. However, their requests for an award of sanctions against Ross are denied.

Croskey, Acting P.J.

We concur: Klein, P.J.

Aldrich, J.

DIVISION THREE (Continued)

B124013 Dennis Osmanson (Not for Publication)
 v.
 City of Los Angeles et al.

The judgment is modified to reflect that Osmanson is entitled to recover from the city an additional employee suggestion award of \$7,863.40, together with costs of \$316. As modified, the judgment is affirmed. Each party to bear their own costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Schneider, J. (Assigned)

DIVISION FOUR

B128057 Jacke-Lumas (Not for Publication)
 v.
 The County of Los Angeles et al.

The order dismissing the respondents Edward Vidaurri and Noreen Noel (appellant's supervisors) from this action is reversed, appellant shall have leave to amend her complaint with respect to the harassment claim against these respondents Elaine Lomas (District Chief), Jane Morton (coworker), Mary Ann Stump (coworker), and Carla Vlick (personnel director), the order is affirmed. The matter is remanded for further proceedings in accordance with the views expressed here. Each party shall bear its own costs.

Dau, J. (Assigned)

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B126803 Zhou
 v.
 Chien

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR (Continued)

B133691 People (Not for Publication)
v.
Leonard R.

For the foregoing reasons, this matter is remanded for a determination of whether appellant's violations of Penal Code sections 626.9, subdivision (b) and 12101, subdivision (a)(1) were felonies or misdemeanors. In all other respects, the orders from which this appeal is taken are affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B131741 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Octavio A.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Berle, J. (Assigned)

B118869 People (Not for Publication)
v.
Smith

The judgment is modified to impose and suspend a \$1,000 parole revocation fine under section 1202.45. In all other respects, the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Dau, J. (Assigned)

DIVISION FIVE

B129627 American Honda Finance Corporation (Not for Publication)
v.
Samuel J. Boyd et al.

The judgments are affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Godoy Perez, J.

B133802 Laurence Dean O'Bryan (Not for Publication)
v.
Franchise Tax Board

The judgment is affirmed. Respondent Franchise Tax Board is awarded its costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B085960 Cates Construction Incorporated (Not for Publication)
v.
Talbot Parnters et al.

Each party will bear its own costs on appeal. Talbot's motion for attorney fees on the contract cause of action is denied without prejudice to its right to bring such a motion in the trial court.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B130619 Golden Eagle Insurance Company
 v.
 Pardee Construction Company

Filed order denying petition for rehearing.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B131397 Engineers & Technicians Assoc. v. Santa Barbara Co. Air Pollution Control
 Dist.

B132532 Child Protective Services v. Jenica S.

B134260 Dept. of Social Services v. Mark W. & Joy W.

Argument waived, cause submitted.

B132654 Huson v. Ventura County

Argument continued to April calendar.

B132061 Clanton
 v.
 Azarmehr

Merits:

Argued by Malcolm Tator for appellants and by Mark R. Weitstock for
respondent. Cause submitted.

Gilbert, P.J. left the bench.

DIVISION SIX (Continued)

B130893 Chavez
 v.
 City of Oxnard

Merits:

Argued by Lawrence M. Schulner for appellant and by Korman Dorsey Ellis for respondent. Cause submitted.

Court recessed at 9:20 A.M.

Court convened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B127565 People v. Leggette & Williams
B128818 People v. Coyaso
B129112 People v. Herrera
B129990 People v. Matthews
B130156 People v. French
B130338 People v. Hanson & Mirandas
B130531 People v. Salguero
B130574 People v. Moss
B130587 People v. Rosales
B131017 People v. Clark
B131576 People v. McNeil
B131705 People v. Simon
B132036 People v. Swan
B132055 People v. Casey
B132135 People v. Baca
B132473 People v. Rivera
B132528 People v. Robinson
B132868 People v. Patton
B133874 People v. Escobedo

Argument waived, cause submitted.

DIVISION SIX (Continued)

B128362 People v. Hughes

Argument continued to March calendar.

B130066 People
v.
Ortega

Merits:

Argued by Leonard J. Klaif for appellant and argument previously waived by respondent. Cause submitted.

B129087 People
v.
Basquez

Merits:

Argued by Lyn A. Woodward for appellant and by Sharlene A. Honnaka, deputy attorney general, for respondent via video conference. Submission deferred 30 days.

B128849 People
v.
Scott

Merits:

Argued by Rudy G. Kraft for appellant and by Ronald A. Jacob, deputy attorney general, for respondent via video conference. Cause submitted.

B127164 People
v.
Palefox

Merits:

Argued by Laini M. Melnick for appellant and by Analee J. Nations, deputy attorney general, for respondent via video conference. Cause submitted.

Court adjourned at 2:20 P.M.

February 10, 2000-Continued

DIVISION SIX (Continued)

B132060 People (Certified for Partial Publication)
v.
Beuer

Filed order modifying opinion. (No change in judgment.)